

**SENATE JOURNAL
61ST LEGISLATURE
SIXTY-THIRD LEGISLATIVE DAY**

Helena, Montana
March 21, 2009

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Branae, Hansen, Juneau, and Schmidt, excused. Quorum present.

BILLS AND JOURNALS:

3/21/2009

Correctly printed: **SB 183, SB 291, SB 343, SB 350, SB 460, SB 511, HB 24, HB 55, HB 58, HB 106, HB 133, HB 214, HB 230, HB 367, HB 378, HB 623, HJR 7, HJR 25.**

Correctly engrossed: **SB 63, SB 217, SB 241, SB 245, SB 446, SB 491, SB 499, SB 505, HB 150, HB 290, HB 412, HB 588.**

Signed by the Speaker at 10:00 a.m., March 21, 2009: **SB 47, SB 49, SB 216.**

Signed by the President at 4:30 p.m., March 20, 2009: **SB 47, SB 49, SB 216.**

Signed by the Secretary of the Senate at 3:45 p.m., March 20, 2009: **SB 47, SB 49, SB 216.**

Examined by the sponsor and found to be correct: **SB 47, SB 49, SB 216**

Senator McGee, President pro tem, assumed the chair.

Senator Juneau present at this time.

REPORTS OF STANDING COMMITTEES

TAXATION (Essmann, Chairman):

3/20/2009

SB 37, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: "DATE"

Insert: ", "

2. Title, line 10.

Strike: "AND A RETROACTIVE"

Insert: "AN"

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

3. Page 1, line 26.

Following: "taxpayer"

Insert: "or a married taxpayer filing on a separate form"

4. Page 1, line 27.

Following: "form"

Insert: "or a taxpayer filing as a head of household"

5. Page 2, line 16.

Strike: "taxpayer"

Insert: "person making the investment"

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6. Page 2, line 19.

Insert: "COORDINATION SECTION. **Section 2. Coordination instruction.** If House Bill No. 645 is not passed and approved with specific funding for the increased income tax credits provided in [this act], then [this act] is void."

Renumber: subsequent sections

7. Page 2, line 22.

Strike: "Retroactive applicability"

Insert: "Applicability"

8. Page 2, line 23.

Following: "2008"

Insert: ", and tax years ending before January 1, 2011"

9. Page 2.

Following: line 23

Insert: "NEW SECTION. **Section 5. Termination.** [Section 1] terminates December 31, 2010."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/20/2009

HB 3, introduced by Ankney

HB 224, introduced by Hiner

Senate amendments to House bills concurred in: 3/20/2009

HB 119, introduced by Hunter

HB 304, introduced by Sonju

Senate bill concurred in and returned to the Senate: 3/20/2009

SB 20, introduced by Jent

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/20/2009

SB 79, introduced by Juneau

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MESSAGES FROM THE GOVERNOR

March 17, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Story:

Please be informed that I have signed **Senate Bill 42** sponsored by Senator Laslovich, **Senate Bill 90** sponsored by Senator Jackson, **Senate Bill 116** sponsored by Senator Keane, **Senate Bill 125** sponsored by Senator Shockley, **Senate Bill 130** sponsored by Senator Hamlett, and **Senate Bill 181** sponsored by Senator Esp on March 16-17, 2009.

Sincerely,

BRIAN SCHWEITZER
Governor

March 20, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 18, "**AN ACT REVISING THE LAWS GOVERNING FISCAL NOTES; SUBSTITUTING A SPONSOR'S FISCAL NOTE REBUTTAL FOR A SPONSOR'S FISCAL NOTE; PROVIDING FOR THE CONTENT OF A SPONSOR'S FISCAL NOTE REBUTTAL; CLARIFYING THE CONTENT OF FISCAL NOTES; AMENDING SECTIONS 5-4-204 AND 5-4-205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

Senate Bill 18 amends two sections of law pertaining to fiscal notes. Primarily, the purpose of my proposed amendment is to indicate that any estimate change in revenue in a fiscal note must be based on "appropriate," rather than "accepted," revenue estimating methodologies. My concern is that an "accepted" revenue estimating methodology could be construed to be the methodology used in preparing revenue estimates under § 5-5-227, MCA. That is not always the methodology used currently in the preparation of fiscal notes, and I understand that it was not the intent of the bill to alter current practices in this regard.

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Additionally, I have added the word "base" to the phrase "present law" where it is used in the bill, since the term "present law base" is one that is defined in statute. See § 17-7-102, MCA.

I have discussed the amendments with the bill's sponsor, Senator Wanzenried, who has expressed his support.

Sincerely,

BRIAN SCHWEITZER
Governor

**GOVERNOR'S AMENDMENTS
TO SENATE BILL 18**

2, line 30.

Strike: "accepted"

Insert: "appropriate"

2. Page 3, line 3.

Following: "law"

Insert: "base"

March 20, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 117, "AN ACT REVISING STATUTORY APPROPRIATIONS; ELIMINATING CERTAIN STATUTORY APPROPRIATIONS CONCERNING VARIOUS MISCELLANEOUS PROVISIONS; TRANSFERRING THE AUTHORIZED USE OF THE STATUTORY APPROPRIATION FOR THE OPTIONAL RETIREMENT PROGRAM FOR THE ADMINISTRATIVE OFFICERS AND MEMBERS OF THE INSTRUCTIONAL AND SCIENTIFIC STAFF OF THE MONTANA UNIVERSITY SYSTEM FROM THE STATE TREASURER TO THE BOARD OF REGENTS; CONSOLIDATING CERTAIN HORSERACING STATUTORY APPROPRIATIONS INTO ONE STATUTORY APPROPRIATION; ELIMINATING AN INVALID STATUTORY APPROPRIATION RELATIVE TO THE CERCLA MATCH DEBT SERVICE FUND; AMENDING SECTIONS 17-7-304, 17-7-502, 19-21-203, 23-4-105, 23-4-202, 23-4-204, 23-4-302, 23-4-304, 44-1-504, 53-6-703, 75-5-1108, 75-6-214, 75-10-622, 80-5-510, AND 87-1-513, MCA; AND PROVIDING AN EFFECTIVE DATE" for the following reasons.

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Senate Bill 117 was prepared and is by the request of the Legislative Finance Committee (LFC) Among other things, it repeals numerous statutory appropriations in current law that, according to a September 26, 2008 report to the LFC by its staff, were stated as not having been used since at least FY 2001. At the time the bill was being developed during the interim, it is my understanding that the LFC and certain executive branch agencies believed that loans issued under the water pollution control and drinking water state revolving funds did not require an appropriation by the legislature. When Senate Bill 117 was delivered to me, I learned that loans of state money are considered by state accountants as payments of money requiring an appropriation under Article VIII, section 14 of the Montana Constitution. I have received similar legal advise (sic) as well.

My amendments, therefore, strike sections 11 and 12 of Senate Bill 117 so as to retain the existing statutory appropriations for loans made under the water pollution control and drinking water state revolving funds, which, because of fluctuations in the balances of these funds, require flexible appropriation authority in order to be meaningful.

I have discussed the amendments with the bill's sponsor. Senator Wanzenreid, who has expressed his support.

Sincerely,

BRIAN SCHWEITZER
Governor

**GOVERNOR'S AMENDMENTS
TO SENATE BILL 117**

3. Title, line 14.

Strike: "75-5-1108, 75-6-214,"

4. Page 3, line 14.

Following: "~~75-6-214,~~"

Insert: "75-5-1108; 75-6-214;"

5. Page 11, lines 8 through 15.

Strike: sections 11 and 12 in their entirety

Renumber: subsequent sections

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 3, introduced by Ankney (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 224, introduced by Hiner, Villa, Lewis, Laslovich, referred to Finance and Claims.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 30, introduced by Zinke, referred to State Administration.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following

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manner:

SB 343 passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Balyeat, Esp, Juneau.
Total 3

Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

SB 350 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 46

Nays: Hinkle.
Total 1

Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

SB 460 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.
Total 28

Nays: Branae, Cooney, Erickson, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.
Total 22

Paired: Barkus, Esp, Laible, Aye; Branae, Hansen, Schmidt, No.

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

HB 24 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

HB 55 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 41

Nays: Erickson, Esp, Juneau, Kaufmann, Keane, Moss.
Total 6

Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

HB 58 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.

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Total 0

Excused: Branae, Hansen, Schmidt.

Total 3

HB 106 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Branae, Hansen, Schmidt.

Total 3

HB 133 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 45

Nays: Curtiss, Shockley.

Total 2

Absent or not voting: None.

Total 0

Excused: Branae, Hansen, Schmidt.

Total 3

HB 214 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.

Total 45

Nays: Esp, Mr. President.

Total 2

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Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

HB 230 concurred in as follows:

Yeas: Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Bales, Balyeat, Hinkle, Shockley.
Total 4

Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

HB 367 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

HB 623 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Branae, Hansen, Schmidt.

Total 3

HJR 7 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 44

Nays: Erickson, Esp, Kaufmann.

Total 3

Absent or not voting: None.

Total 0

Excused: Branae, Hansen, Schmidt.

Total 3

HJR 25 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 43

Nays: Black, Esp, Gallus, Larsen.

Total 4

Absent or not voting: None.

Total 0

Excused: Branae, Hansen, Schmidt.

Total 3

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Essmann in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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SB 264 - Senator Brueggeman moved **SB 264** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Branae, Hansen, Schmidt.

Total 3

Senator Windy Boy excused at this time.

SB 429 - Senator Zinke moved **SB 429** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.

Total 43

Nays: Juneau, Kaufmann, M. Tropila.

Total 3

Absent or not voting: None.

Total 0

Excused: Branae, Hansen, Schmidt, Windy Boy.

Total 4

Senator Windy Boy present at this time.

SB 467 - Senator Balyeat moved **SB 467** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: None.

Total 0

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Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

HB 21 - Senator Kaufmann moved **HB 21** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

HB 155 - Senator Brueggeman moved **HB 155** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

HB 193 - Senator Windy Boy moved **HB 193** be concurred in. Motion carried as follows:

Yeas: Barrett, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 42

Nays: Bales, Balyeat, Barkus, Black, Brenden.

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Total 5

Absent or not voting: None.

Total 0

Excused: Branae, Hansen, Schmidt.

Total 3

HB 195 - Senator Balyeat moved **HB 195** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Branae, Hansen, Schmidt.

Total 3

HB 264 - Senator J. Peterson moved consideration of **HB 264** be passed for the day. Motion carried.

HB 291 - Senator Keane moved **HB 291** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Branae, Hansen, Schmidt.

Total 3

HB 307 - Senator Hinkle moved **HB 307** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J.

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Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: R. Brown, Hawks, McGee.
Total 3

Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

HB 322 - Senator Shockley moved **HB 322** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

HB 326 - Senator Barkus moved **HB 326** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

HB 354 - Senator Gebhardt moved **HB 354** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss,

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Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Branae, Hansen, Schmidt.

Total 3

HB 372 - Senator Moss moved **HB 372** be concurred in. Motion carried as follows:

Yeas: Balyeat, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 40

Nays: Bales, Barkus, Barrett, Hinkle, McGee, Ripley, Steinbeisser.

Total 7

Absent or not voting: None.

Total 0

Excused: Branae, Hansen, Schmidt.

Total 3

HB 387 - Senator Jackson moved **HB 387** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Branae, Hansen, Schmidt.

Total 3

HB 397 - Senator Esp moved **HB 397** be concurred in. Motion carried as follows:

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Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

HB 407 - Senator Laslovich moved **HB 407** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

HB 621 - Senator J. Tropila moved **HB 621** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.
Total 45

Nays: Hinkle, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

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Senator Peterson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman J. Peterson moved the Committee of the Whole report be adopted. Report adopted unanimously.

SPECIAL ORDERS OF THE DAY

SR 9 - Senator Shockley moved that the following nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with Resolution No. 9, and that they ayes and nays be spread upon the journal:

(1) As members of the Board of Aeronautics, in accordance with section 2-15-2506, MCA:

1. Tricia McKenna, Bozeman Montana, for a term ending January 1, 2013.

Bill Hunt Jr., Shelby, Montana, for a term ending January 1, 2013.

Fred Leistiko, Kalispell, Montana, for a term ending January 1, 2013.

Roger Lincoln, Gildford, Montana, for a term ending January 1, 2013.

Ted Schye, Fort Peck, Montana, for a term ending January 1, 2013.

(2) As a member of the Board of Architects and Landscape Architects, in accordance with section 2-15-1761, MCA:

James G. Shepard, Billings, Montana, for a term ending March 27, 2012.

(3) As members of the Capital Investment Board, in accordance with section 90-10-201, MCA:

Lawrence A. Anderson, Great Falls, Montana, for a term ending January 1, 2013.

Ellen Feaver, Helena, Montana, for a term ending January 1, 2013.

Robert Pancich, Great Falls, Montana, for a term ending January 1, 2013.

(4) As members of the Board of Chiropractors, in accordance with section 2-15-1737, MCA:

John Sando, Butte, Montana, for a term ending January 1, 2012.

Alice Whiteman, Missoula, Montana, for a term ending January 1, 2012.

(5) As a member of the Board of Clinical Laboratory Science Practitioners, in accordance with section 2-15-1753, MCA:

Wendy Palmer, Raynesford, Montana, for a term ending April 16, 2012.

(6) As members of the Coal Board, in accordance with section 2-15-1821, MCA:

Gerald Navratil, Sidney, Montana, for a term ending January 1, 2013.

John Williams, Colstrip, Montana, for a term ending January 1, 2013.

Dan Dutton, Belfry, Montana, for a term ending January 1, 2013.

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Chad Fenner, Hardin, Montana, for a term ending January 1, 2013.

(7) As members of the Board of Crime Control, in accordance with section 2-15-2006, MCA:

Mike Anderson, Havre, Montana, for a term ending January 1, 2013.

Mikie Baker-Hajek, Great Falls, Montana, for a term ending January 1, 2013.

Steve Bullock, Helena, Montana, for a term ending January 1, 2013.

James R. Cashell, Bozeman, Montana, for a term ending January 1, 2013.

Lyndon Erickson, Glasgow, Montana, for a term ending January 1, 2013.

Harold F. Hanser, Billings, Montana, for a term ending January 1, 2013.

Pamela B. Kennedy, Kalispell, Montana, for a term ending January 1, 2013.

Steve McArthur, Butte, Montana, for a term ending January 1, 2013.

Nickolas C. Murnion, Jordan, Montana, for a term ending January 1, 2013.

Bonnie Wallem, Kalispell, Montana, for a term ending January 1, 2013.

(8) As members of the Board of Dentistry, in accordance with section 2-15-1732, MCA:

Jennifer Porter, Bozeman, Montana, for a term ending March 29, 2014.

Dale Chamberlain, Lewistown, Montana, for a term ending March 29, 2014.

(9) As a member of the State Electrical Board, in accordance with section 2-15-1764, MCA:

Rick Hutchinson, Black Eagle, Montana, for a term ending July 1, 2014.

(10) As members of the Montana Facility Finance Authority, in accordance with section 2-15-1815, MCA:

James W. (Bill) Kearns, Townsend, Montana, for a term ending January 1, 2013.

Richard King, Missoula, Montana, for a term ending January 1, 2013.

Jon Marchi, Polson, Montana, for a term ending January 1, 2013.

Larry Putnam, Helena, Montana, for a term ending January 1, 2013.

(11) As a member of the Board of Hail Insurance, in accordance with section 2-15-3003, MCA:

Trudy Laas Skari, Chester, Montana, for a term ending April 18, 2012.

(12) As members of the Human Rights Commission, in accordance with section 2-15-1706, MCA:

Maria Beltran, Billings, Montana, for a term ending January 1, 2013.

Linda Minich, Jefferson City, Montana, for a term ending January 1, 2013.

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Allen Secher, Whitefish, Montana, for a term ending January 1, 2013.

(13) As members of the Board of Labor Appeals, in accordance with section 2-15-1704, MCA:

Norman Grosfield, Helena, Montana, for a term ending January 1, 2013.

Brian Boland, Great Falls, Montana, for a term ending January 1, 2013.

(14) As members of the Board of Occupational Therapy Practice, in accordance with section 2-15-1749, MCA:

Lynn Yocom, Anaconda, Montana, for a term ending December 31, 2012.

Sue Furey, Missoula, Montana, for a term ending December 31, 2012.

(15) As members of the Board of Oil and Gas Conservation, in accordance with section 2-15-3303, MCA:

Donald D. Bradshaw, Fort Benton, Montana, for a term ending January 1, 2013.

Linda Nelson, Medicine Lake, Montana, for a term ending January 1, 2013.

Wayne Smith, Valier, Montana, for a term ending January 1, 2013.

Jay Gunderson, Billings, Montana, for a term ending January 1, 2013.

(16) As a member of the Board of Optometry, in accordance with section 2-15-1736, MCA:

Rock E. Svennungsen, Shelby, Montana, for a term ending April 3, 2013.

(17) As members of the Board of Personnel Appeals, in accordance with section 2-15-1705, MCA:

Quinton Nyman, Helena, Montana, for a term ending January 1, 2013.

James (Jay) Reardon, Helena, Montana, for a term ending January 1, 2013.

Karla Stanton, Billings, Montana, for a term ending January 1, 2013.

(18) As a member of the Board of Professional Engineers and Land Surveyors, in accordance with section 2-15-1763, MCA:

Hal Jacobson, Helena, Montana, for a term ending July 1, 2010.

(19) As a member of the Board of Public Accountants, in accordance with section 2-15-1756, MCA:

Linda Harris, Absarokee, Montana, for a term ending July 1, 2013.

(20) As members of the Board of Public Assistance, in accordance with section 2-15-2203, MCA:

Amy D. Christensen, Helena, Montana, for a term ending January 1, 2013.

Scott Sorensen, Whitefish, Montana, for a term ending January 1, 2013.

(21) As a member of the Public Employees Retirement Board, in accordance with section 2-15-1009, MCA:

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Timm Twardoski, Helena, Montana, for a term ending April 1, 2011.

(22) As members of the Montana Public Safety Officer Standards and Training Council, in accordance with section 44-4-402, MCA:

Steve Barry, Helena, Montana, for a term ending January 1, 2013.

Tony Harbaugh, Miles City, Montana, for a term ending January 1, 2013.

Georgette Hogan, Hardin, Montana, for a term ending January 1, 2011.

Robert M. McCarthy, Butte, Montana, for a term ending January 1, 2013.

Dennis McCave, Billings, Montana, for a term ending January 1, 2013.

Raymond Murray, Missoula, Montana, for a term ending January 1, 2013.

Bonnie Wallem, Kalispell, Montana, for a term ending January 1, 2013.

Greg Watson, Whitehall, Montana, for a term ending January 1, 2013.

(23) As members of the Board of Radiologic Technologists, in accordance with section 2-15-1738, MCA:

Hugh Cecil, Kalispell, Montana, for a term ending July 1, 2011.

Anna L. Hazen, Fort Benton, Montana, for a term ending July 1, 2011.

Charlotte Kelley, Clancy, Montana, for a term ending July 1, 2011.

Charles McCubbins, Columbia Falls, Montana, for a term ending July 1, 2011.

(24) As a member of the Board of Research and Commercialization Technology, in accordance with section 2-15-1819, MCA:

Mr. Michael Dolson, Plains, Montana, for a term ending July 1, 2010.

(25) As members of the Board of Respiratory Care Practitioners, in accordance with section 2-15-1750, MCA:

Eileen Carney, Libby, Montana, for a term ending January 1, 2013.

Leonard Bates, Wolf Creek, Montana, for a term January 1, 2013.

Tony Jay Miller, Joplin, Montana, for a term ending January 1, 2013.

Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Branae, Hansen, Schmidt.
Total 3

Senator R. Brown thanked the Pages for their work during the week of March 16-21, 2009.

MOTIONS

Senator Hinkle moved to change his third reading vote on **SB 343** from no to yes. Without objection, motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Monday, March 23, 2009. Motion carried.

Senate adjourned at 9:27 a.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate